

Serial No.: 10/078,742
Art Unit: 2615

REMARKS

1. Present Status of Patent Application

In response to the final office action dated August 9, 2005, Applicants respectfully request reconsideration based on the foregoing amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

2. Objection to Claim 13

Claim 13 has been amended to overcome the cited objection with regard to the spelling of "jewelry." Applicants have amended the claim to conform with the spelling preferred by the Examiner. Thus, the objection of the claim should be withdrawn.

3. Rejection of Claims 18-19 Under 35 U.S.C. §102(e)

Claims 18-19 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Kweon* (U.S. Patent No. 6,667,771 B1). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicants respectfully traverse this rejection on the grounds that the reference does not disclose, teach, or suggest all of the claimed elements and steps.

a. Claim 18

As provided in independent claim 18, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion and

a rear portion, *wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin that penetrates the wearer's clothing and fixes the front and rear portions in place.*

(Emphasis added).

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Applicants respectfully submit that independent claim 18 is allowable for at least the reason that *Kweon* does not disclose, teach, or suggest at least the feature "wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin that penetrates the wearer's clothing and fixes the front and rear portions in place," as recited in claim 18.

Rather, *Kweon* discloses a "portable camera [that] includes a case having a ball-point pen appearance." Col. 1, lines 41-42. *Kweon* describes at most a ball-point pen structure in terms of separate upper and lower sections: "The lower portion 21 and the upper portion 23 are engaged by screw portions formed in the lower and upper portions 21 and 32 respectively." Col. 3, lines 57-59. "That is, as only an upper portion of a ball-point pen is held on a pocket of a shirt by a clip for use." Col. 1, lines 57-60. Accordingly, *Kweon* fails to disclose, teach, or suggest at least the feature "in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin that penetrates the wearer's clothing and fixes the front and rear portions in place," as recited in claim 18. (Emphasis added). For example, it is noted that the "conducting pin 53" contained in *Kweon* and referenced in the Office Action does not penetrate a user's clothing.

Because *Kweon* fails to disclose, teach, or suggest the above-emphasized features of claim 18, *Kweon* does not anticipate claim 18, and the rejection of claim 18 should be withdrawn.

b. Claim 19

As provided in independent claim 19, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:
a front portion and
a rear portion, *wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be*

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worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, in which the front portion is secured to the rear portion and to the wearer's clothing by mating the front portion that is outside of the wearer's clothing with the rear portion that is inside the wearer's clothing via a securing means.

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Kweon* does not disclose, teach, or suggest at least the feature of "wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, in which the front portion is secured to the rear portion and to the wearer's clothing by mating the front portion that is outside of the wearer's clothing with the rear portion that is inside the wearer's clothing via a securing means," as recited in claim 19.

Rather, *Kweon* discloses at most a "portable camera [that] includes a case having a ball-point pen appearance." Col. 1, lines 41-42. *Kweon* describes the ball-point pen structure in terms of separate upper and lower sections: "The lower portion 21 and the upper portion 23 are engaged by screw portions formed in the lower and upper portions 21 and 32 respectively." Col. 3, lines 57-59. "That is, as only an upper portion of a ball-point pen is held on a pocket of a shirt by a clip for use." Col. 1, lines 57-60. Accordingly, *Kweon* fails to disclose, teach, or suggest at least the feature "wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing," since camera circuitry 50 with image sensor 4 is contained in a middle portion of the ball-point pen structure that is worn inside a wearer's clothing. See Fig. 5.

Further, *Kweon* fails to teach or suggest where "the front portion is secured to the rear portion and to the wearer's clothing by mating the front portion that is outside of the wearer's clothing with the rear portion that is inside the wearer's clothing via a securing means," since the clip 25 that secures the ball-point pen structure in *Kweon* to a wearer's clothing is not used to mate rear and front portions of the structure.

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Therefore, because *Kweon* fails to disclose, teach, or suggest the above-emphasized features of claim 19, *Kweon* does not anticipate claim 19, and the rejection of claim 19 should be withdrawn.

4. Rejection of Claims 1, 4-9, 13-14, and 20-22 Under 35 U.S.C. §103(a)

In the Office Action, claims 1, 4-8, 13-14, and 20-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fitch* (U.S. Patent No. 5,912,653) in view of *Lin* (U.S. Patent No. 4,965,705). Claims 2 and 10-12 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fitch* in view of *Lin* in further view of *Brett* (U.S. Patent No. 3,141,216). Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fitch* in view of *Lin* in further view of *Kweon*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

As provided in independent claim 1, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion;

a rear portion, wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is worn inside at least part of the wearer's clothing, the front and rear portions being operable to communicate with one another; and

a means to secure the front and the rear portion in position on a wearer's clothing, the securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion.

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Fitch* in view of *Lin* does not disclose, teach, or suggest at least "a means to secure the front and the rear portion in position on a wearer's clothing, the securing means

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being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion," as recited in claim 1.

Fitch appears to teach at most a liquid crystal display (LCD) that is fastened using a slide lock fastener, such as that provided by Velcro, sewn into a jacket. See col. 3, lines 4-15. Accordingly, *Fitch* fails to teach or suggest "the securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion, since *Fitch* teaches that two separated pieces of slide lock fastening fabric (fastener 16 and second fastener 29) are sewn on the jacket to hold the LCD display 12 and microcontroller 22 & circuit board 24 to the jacket, where each piece of lock fastening fabric is not operable through the thickness of the jacket. Accordingly, *Fitch* does not suggest that the fastener is desired to be operable through the thickness of the jacket and therefore, the proposed combination of *Fitch* in view of *Lin* is legally inadequate to establish a *prima facie* case of obviousness. Therefore, the rejections of claim 1 should be withdrawn.

b. Claims 2-12, 13-14, and 20-22

Because independent claim 1 is allowable over the cited art of record, dependent claims 4-9, 13-14, and 20-22 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 4-9, 13-14, and 20-22 contain all the elements and features of independent claim 1.

Further, the cited art of *Brett* and *Kweon* fail to cure the deficiencies of the *Fitch* and *Lin* references in suggesting or teaching all of the claimed features in claims 2, 3, and 10-12 (which depend from independent claim 1). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Fitch* in view of *Lin* in further view of *Brett* has not been made with regard to claims 2 and 10-12, and a *prima facie* case establishing an obviousness rejection by the proposed combination of *Fitch* in view of *Lin* in further view of *Kweon* has not been made with regard to claim 3. Therefore, the rejections of claims 2, 3, and 10-12 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 2-12, 13-14, and 20-22, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

For example, with regard to claim 5, *Fitch* appears to teach at most a liquid crystal display (LCD) embedded into a garment. The liquid crystal display is disclosed to be an

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output device that can display digital and analog video signals. Accordingly, the liquid crystal display is not disclosed to be an image capture means. While *Fitch* does suggest that inputs from an analog video storage device may be selected for display on the liquid crystal display, where a video camera 40, video recorder 38, and video tuner 36 are mentioned as video storage devices, *Fitch* clearly states that "these three storage devices are optional accessories and are external to the jacket." See col. 3, lines 34-44 and col. 4, lines 17-20. Therefore, *Fitch* in view of *Lin* fails to teach or suggest claim 5.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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